IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

WP(C).No. 18207 of 2007(P)

PETITIONER:

E. SALAHUDEEN,
TECHNICAL OFFICER, DISTRICT INDUSTRIES CENTRE,
THIRUVANANTHAPURAM.
UNDER ORDERS OF TRANSFER TO DISTRICT INDUSTRIES CENTRE, ALAPPUZHA.

BY ADV. SRI.S.MOHAMMED AL RAFI

RESPONDENTS:
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1. **STATE OF KERALA,**
   REPRESENTED BY THE PRINCIPAL SECRETARY,
   INDUSTRIES DEPARTMENT, GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **THE DIRECTOR OF INDUSTRIES AND COMMERCE,**
   THIRUVANANTHAPURAM.

3. **V. MURALIDHARAN NAIR, TECHNICAL OFFICER,**
   DISTRICT INDUSTRIES CENTRE, ALAPPUZHA,
   UNDER ORDERS OF TRANSFER TO DISTRICT INDUSTRIES CENTRE, TRIVANDRUM.

BY GOVERNMENT PLEADER SRI. P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. BALAKRISHNAN NAIR, J.

W.P.(C) No.18207 of 2007

Dated this the 13th June, 2007.

JUDGMENT

The petitioner, who was a Technical Officer in the District Industries Centre, Thiruvananthapuram, has been transferred to Alappuzha by Ext.P7 order. The 3rd respondent, a new promotee, is accommodated in his place, it is submitted. According to the petitioner, the 3rd respondent was ineligible to be promoted to the cadre of Technical Officer. The said respondent was promoted as Technical Officer by Ext.P5. The petitioner had approached this Court earlier, challenging that order. Since he is not affected by that order, this Court did not entertain that writ petition, on the ground, the petitioner lacked locus standi to challenge Ext.P5. Later, the petitioner attempted a public interest litigation against Ext.P5 before the Division Bench. That was dismissed by Ext.P6. In this case, the petitioner, mainly, challenges Ext.P7 transfer. Incidentally, he attacks ext.P5 also.

2. According to the petitioner, the 3rd respondent is not qualified for promotion as Technical

Officer. The transfer order is only to help the 3rd respondent and, therefore, is vitiated by mala fides.

3. This writ petition, to the extent it challenges Ext.P5, is not maintainable. The petitioner lacks the necessary standing to challenge that order.

4. It is not disputed that the petitioner has already completed four years of service at Thiruvananthapuram. Therefore, there is nothing wrong in his transfer. Even if an ineligible person is posted in his place, he cannot resist his transfer, as he has already completed his normal tenure at the present station. Therefore,, the ground urged by the petitioner against Ext.P7 is also untenable.

The petitioner is a native of Nilamel, Kollam. He has already moved the competent authority for a posting at Kollam. If the petitioner requires convenient posting, he will have to pursue that representation or file a fresh representation, claiming a suitable posting. In that event, the 2nd respondent will consider and pass orders thereon as expeditiously as possible. Subject to that right, this writ petition is dismissed.

K. BALAKRISHNAN NAIR,
JUDGE.

vav.